

**COUNCIL MINUTES**  
**JANUARY 8, 2014**

The City Council held a meeting on Wednesday, January 8, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Fred Rowley; Don Marchant.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgeron; Public Works Director Ryan Marshall; Police Lieutenant Darin Adams; CATS Supervisor Tammy Nay; Executive Secretary Barbara Barrick; Parks Superintendent Wally Davis; Parks Maintenance Worker Dale Ova; Water Superintendent Robbie Mitchell; Airport Manager Russ Volk; Senior Engineer Jonathan Stathis; Economic Development Director Brennan Wood.

**OTHERS PRESENT:** Betsy Carlile, Melodie Jett, Tom Jett, David Miller, Liberty Miller, Linda Brown, Terry Irons, Linda Wilson, Ron Larsen, Rick Lunt, Steve Ahlgreen, George Jett, John R. Westwood, Kelli Christensen, Kendra Perkins, Tim Beery, Doug Carriger, Pat Keehley, Tracie Sullivan.

**CALL TO ORDER:** Councilmember Marchant gave the opening prayer; the pledge of allegiance was led by Councilmember Black.

**AGENDA ORDER APPROVAL:** #9 will be removed. Russ – anytime engineering fees exceed \$100,000 we have to go out for an independent estimate, that just arrived today and it needs review. We will put it on the agenda in 2 weeks.

Councilmember Black moved to approve the agenda order with that item being removed; second by Councilmember Adams; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■Black – I will be out of town next week and would like to be excused.  
■Kit – during Christmas time they completed the downtown street light project to change the double halide lights to single head halogen. Rough estimate on savings is \$5,300 in O&M costs. Marchant – the lights do look nice. I hated to see the Christmas lights come down, they looked really nice. ■Rick - I handed out the Leagues invitation to go the Local Official Day at the Legislature. Representative Westwood has invited us to spend time with him. If you want to go let me know and we will make arrangements.

**PUBLIC COMMENTS:** ■Tom Jett – I hope everyone recognizes that today Cedar City is setting history in having a female mayor. I am not sure of any other cities that have a female mayor in Southern Utah, it needs to be noted as history. Cedar is not the good ole boy system anymore. ■John Westwood – we invite you to the legislature, it made a big

I know of is Bulldog Bag. There are lots with no improvements. Rick – we will have to see what we did or didn't require. Rick Lunt – the County and Western Rock are using properties and have no improvements. Rick – that may not have been in the City when they developed. Paul – yes the gravel pits are under a different set of rules. There is one by 2100 North, Mel Clarks he had to put in all his improvements. Kit – he didn't do a subdivision. Marchant – what precipitated this, a sale of property or making it cleaner with the Irrigation Company wanting the property? Rick Lunt – the Irrigation Company wanting to trade the property. Marchant – is there interest in the property now? Rick Lunt – yes. Cozzens – there are storage units that don't have improvements. Kit – there is? If the grades or elevation are not right they would agree to an SID. Ron – the bridge is raised and the improvements will need to be raised also. Mayor – would you be comfortable about talking with the Jones about what has been discussed tonight and if there is agreement we will put that on action next week, if not we will postpone it until later.

**REQUEST FOR A SEPTIC SYSTEM AT 2270 WEST 580 NORTH (HORSE ALLEY) – GEORGE JETT:**

Ron Larsen – this has an existing building, it has a bathroom in the building, but there is not anywhere for the sewer to go, there is not a septic system. The sewer is quite a ways away. Kit – we allow septic systems under certain criteria, over 300 feet from the sewer and we don't want too many in the same location. The Conservancy District did a study that said 1500 feet; we are still within that density. Black – we have approved others there. Rowley – it is two small pieces? Kit – yes we have ½ acre minimum area requirement, he will have to put that into one deed. George – that is not a problem. Consent.

**CONSIDER A BUDGET REVISION FOR THE CEDAR CANYON WATER TANK PROJECT – JONATHAN STATHIS :**

Jonathan – this is to replace the Cedar Canyon Tank. We came about a year ago to purchase the tank, we did get the bid. We would like the funding to complete the project so we can have the same contractor take the tank down and put it back up. We will move the tank down the canyon to get the elevation better for our system and we will keep the old tank in service while we construct. Right now we can only keep 12 feet of water in the tank. We need an additional \$850,000. We have \$170,000 budgeted, we want \$660,000 fund balance and \$190,000 from impact fees. The tank we are purchasing is larger than the existing tank. Rowley – that leaves \$450,000 in the emergency fund? Jonathan - \$640,000, this is a little different than what was in the packet. We like to keep \$1 million in the fund. We will draw it down, but we will build it back up. Black – if we had a major catastrophe what would we do? Kit – we would look at other capital projects that we could hold off on. There are options. Rick – even though you are approving the budget revision, how would you get the public hearing done? Jason – we published for next week to have a public hearing. They are asking for next year capital project to be done now. They won't ask for a lot next year because they are getting it now. Kit – you approved to purchase a used tank and we thought we could purchase and move down in this year's budget, they sent us a letter and said it needs to be done by April 15<sup>th</sup> and we want one contractor to do it so there is not questions. Rowley – is it riveted? Jonathan – it is welded. Rowley – do we know it is in good shape? Jonathan – we have inspected it and it is in good shape.

We asked if we could wait and they said no. Black – Robbie, do you have something this will impact in next year's budget? Robbie – no, I had \$800,000 to assemble this tank, it was planned for. I will have other projects, but they will be small. Action.

**CONSIDER PURCHASE OF REPLACEMENT VEHICLES FOR THE POLICE DEPARTMENT:**

Chief Allinson – in our current year budget we have money to replace two patrol vehicles, a 2006 Chevy Tahoe with 112,000 and a charger with 101,000 miles. Lt. Adams has done a lot of research to see our needs and went to Salt Lake to look at replacements. We would like 2014 Dodge Ram Pick-ups. We can get them about the same price as the Charger and the mileage is about the same as the charger. Salt Lake Valley Chrysler Dodge has the State Contract for \$27,721 each and we want two. Cozzens – how is it to do the cage car versus truck? Adams – no difference than what we do now in the cars. They are not able to kick the windows out with this cage. Rowley – how many years do we get out of the vehicles? Adams – we are trying to push the mileage to 100,000, typical is 80,000. Dodge is putting a 100,000 warranty so we are hoping to get 6 to 7 years. Rowley – the resale value is better on a truck than a car. Adams – the way they are building them now the trucks are equivalent to the cars. Black – I appreciate you having Lt. Adams do the research and meeting with us. Chief – he has done a lot of work. Adams – we will have a cover with a box in the back. There is a double lock system to keep their stuff secure.

**CONSIDER A CONTRACT WITH GOOGLE TO HAVE CATS FIXED-ROUTE BUS SCHEDULE ONLINE – TAMMY NAY:**

Tammy – Levi Roberts Mobility Manager for Five County AOG has put Suntran map on Google and they have had huge success. It is all set up and I am asking that the Mayor be able to sign the agreement. Cozzens – is there are fee? Tammy – no, we hope it will increase our ridership. Rowley – some comments say it was tangling. Paul – I think Google wants to take over the world, they can use our information, it is our bus system. There is a requirement if we have a GRAMA request for the contents; we have to notify Google 3 days in advance to release the information that is the most difficult. Tammy – Levi will keep the maps updated. Cozzens – how is the ridership? Tammy – it is down from 2 years ago. My drivers think more people are buying vehicles. Consent.

**CONSIDER RENEWAL OF INSURANCE FOR CATS BUSES – TAMMY NAY:**

Tammy – our buses are unique with the wheelchair lift so URMMA cannot carry them. Fred A Moreton is our broker, National Indemnity is the agency. It is up for renewal now. We need to application signed so they can get bids. Rowley – how much are we talking? Tammy – it was \$6,100 last year. Consent.

**CONSIDER AN AMENDMENT TO TRANSIT STATION LICENSE**

**AGREEMENT WITH WAL-MART – TAMMY NAY:** Tammy – Wal-Mart is the most popular stop, we have an agreement for the shelter, they will only extend for 3 years, so we need to renew to November 28, 2016. Consent.

Tammy – we are applying for funding from UDOT and in order to do that we have to have a pin log in number and it has to be issued to the Mayor or Public Works Director

and we have a form for that signature authority to get a pin. Paul – we can ratify next week. To vote it has to be on the agenda.

**CONSIDER A CONTRACT BETWEEN CEDAR CITY CORP AND CREAMER & NOBLE INC. – RUSS VOLK:** Russ – the State of Utah is giving us a grant for runway replacement. Creamer and Noble is the Airport Consultant, it is a 5 year contract, they have been on for 2.5 years, and they are selected by FAA criteria. When we have projects they do the management of the project. The State will provide a \$400,000 grant for runway pavement; this is for the engineering services for this project. Consent.

**CONSIDER A CONTRACT BETWEEN CEDAR CITY CORP AND CREAMER & NOBLE INC. (FAA PROJECT) – RUSS VOLK:** This item has been pulled.

**CONSIDER A CONTRACT BETWEEN CEDAR CITY CORP AND CREAMER & NOBLE INC. (SYBERJET PROJECT) – RUSS VOLK:** Russ – MSC Aerospace/Syberjet has been approved to access the airport from Aviation Way. This is funded by the US Economic Development office and State and local funding. Creamer and Noble will help with this to taxi to the property owned by MSC Aerospace, City engineering will do some work as well. The timing is to have all preliminary in time to advertise April 1, 3 week bidding process, and bonding process and break ground on the runway and this project on June 1. We have to fit this into the Prairie Dog mitigation to give a construction time period to build on the airport. Consent.

**CONSIDER FAA AIRPORT IMPROVEMENT PROJECT AIP-28 GRANT APPLICATION FOR FEDERAL ASSISTANCE – RUSS VOLK:** Russ – the FAA offers grants to airports based on the enplanement number. It is a ticketed passenger departing your airport. The critical factor is the SkyWest Jet Service. There is a magic number of 10,000; it is \$150,000 under 10,000 and \$1 million over 10,000 enplanements. This is a cost share, and the City match is in the budget and is coming out of the fund balance. It is great the FAA gives you \$1 million but they tell you how you spend it also. We will replace the helipad, move the windsock, and put a backup generator on the airfield lights allowing us to operate 24 hours if we lose power. It will be propane powered and a 4 to 5 day supply. We could do natural gas, but in the event of an earthquake we could lose natural gas. Rowley – if there are overruns we are responsible. Russ – we cannot have overruns it has to come back to this body. Russ – the last grant we got was to build an equipment building, there was an overrun and the FAA borrowed us the money from future grants. The Denver EDO manages our grants and they are great to work with and help us. If we find the project cannot happen with the grant amounts, they do not start until it is resolved. There are 17 pages of agreement to run the airport under there regulations. Rowley – why was the regulation not under the earlier contract? Russ – they were hired under the same criteria. Paul – we have agreed to those conditions over and over again. Rowley – what is LDI? Landing direction indicator. There will be a permanent fence around the generator and they don't feel there will be any problems. The grant will fund the contract for Creamer and Noble.

**CONSIDER UPDATED AIRPORT RULES AND REGULATIONS AND  
MINIMUM STANDARDS – RUSS VOLK:**

Russ – the FAA recommends to airports that you develop minimum standards for your unique situations. Ours covers things like land leases and if they build a hangar how built and uses. The Rules, Regulations and minimum standards help us stay in compliance with the FAA requirements. This update standardized language and some rules for the helicopter school. Rowley – on page 45 it does away with the \$1,000 deposit. Russ – I took reference to fees out because we have a City fee structure, it is easier to have them in one place. Once approved the standards are in essence an ordinance for operations at the Airport. Rowley – I like that you are asking the helicopter friends to stay out of neighborhoods. Action.

Russ – the actual grant we are seeing is for the enplanements for 2012. We have an unofficial count of the enplanements for 2013. SkyWest Airlines in 2009 when the economy was in the tank they reported 4747 for the entire year, 2013 they broke a record 10 of 12 months, 12,458, 15,687 with others. We broke 10,000 at the end of August. Seeing increases there are always preferences on the flight schedule. Because we broke the 2013 we will get \$1 million next year as well. National Parks Tour dropped off this year, they are deciding if they will be back next year. They key is SkyWest.

**REQUEST TO TRANSFER GOLF COURSE CAPITAL FUNDS – DAN**

**RODGERSON:** Dan – if you have the opportunity to stop by the Golf Course I invite you to go see. John Evans was an independent contractor then he became an employee. When he retired the City was interested in buying his equipment. We budgeted \$22,000 and it cost us \$8,900. We have \$13,000 and would like to add it to the \$30,000 project we have going on out there. \$15,000 came from budget, \$15,000 from tourism grant. We would be able to do carpet, picnic tables, trash cans and paint the exterior and repair the decking. Cozzens – have we discussed a sign? Dan – we have had dialogue with Mr. Jett, the Lessor and are working with Danny to get a design.

Cozzens – how are things going with the ice rink? Dan – very good. There were a few days during Christmas break where they had 1,000 people a day. Looking right now it looks like there are about 50 people there right now. Cozzens – can Liz run the numbers on increase participation in the Aquatic Center with the Ice Rink? Dan – last year in December \$12,000, this year \$20,000. We gave YETI their first electric bill for November it was \$2,700 for half month. When they don't need all 4 lights on they don't. They are impressive with their volunteers. Marchant – we are introducing people to the Aquatic Center that didn't know it was there. Cozzens – the power was ½ month? Dan – we estimated around \$5,000 a month. Black – we have closed the gates to the pond area, any consideration to blocking the road at the bottom. Cozzens – what is the liability to have people drive up and watch? Paul – we were concerned about the water and puncturing the liners. If we leave the gates open, fine, that is why we chose to close them. Dan – I prefer to keep the lake open, but the challenge is there are aerators in the lake. Cozzens – can we turn those off in the winter? Kit – we would need to test and see. Wally – I asked Jonathan about turning off the aeration and he said it should stay on year round. Cozzens – what about a fence for people parking to watch the ice rink? Wally – I

am just concerned about having people on the ice. If we want to put another fence up it wouldn't be a problem. Cozzens – we could look at it for the future.

**CONSIDER COUNCIL COMMITTEE APPOINTMENTS:** Mayor Wilson – the proposed appointments are: Don Marchant - Airport Board, Frontier Homestead Foundation Board and Arts RAP Tax; Fred Rowley – Planning Commission and Library Board; Ron Adams – Parks & Recreation Advisory Board, Cedar Area Transit Committee and RAP Tax Parks & Recreation Committee; John Black Regional Wastewater Treatment Facility Interlocal Board and Water Conservancy Board as a community appointment, and the Downtown Parking Authority; Paul Cozzens Cedar Disability Awareness/Action Team and Water Conservancy Board. The Trails and Cross Hollow Event Center are sub-committee to Parks and Recreation board and no council assignment.


Black – for transparency, when we were asked what committees we wanted to serve on I said I would like to set on P&R Board because of Golf, dog parks and water from Water Conservancy District and general park experience I have, I thought it would be a positive for that committee. When I didn't get that assignment we have had several conversations and during the course of that I think there were some misunderstandings and I apologize. It came out that I initially was appointed to the Planning Commission and it came out that I declined and I have not declined that appointment. I wanted reconsideration for P&R. With that said, after having served for 2 years, my involvement on boards and committees has been diminished and it is disappointing to me. Mayor – there are not as many committee assignments because we took two committees away, so removing those is the reason there are not as many committee assignments, everyone has the same number of assignments. I had given you all the thought process, reasoning, speaking with people on the committees, community, and staff to get feedback to get direction and made some shifts. There were projects in the works the committee members were left. We will look again in a year to those. Also, it is good to have fresh perspectives to further utilize their skills in other areas to benefit the community. Rowley – was Mrs. Barnes the P&R Representative? Mayor – yes. Rowley – I told the Mayor I was happy to go anywhere since I was the new guy. Is this an up or down vote or can we make proposals? Paul – the Mayor appoints and the council votes yea or nay. Mayor – this is why I have sent emails and spoken to you. I wanted the reasons out to you before we brought it to meeting. Rowley – was everyone ok with their appointments? Adams – I am willing to serve on the P&R board. I am comfortable with the Planning Commission as well, but am ready for change. Rowley – would it matter with you? Mayor – part is like Adams said he is comfortable, but can also contribute to P&R with a fresh perspective and new thoughts; it was an individual with skills but someone that can bring a fresh perspective. Cozzens – putting politics aside I look at what is best for Cedar City and I look at John's expertise and I think he would better serve the P&R. Marchant – I second that. I appreciate the fact that I remain where I remain, some you cannot pick up in 6 months to a year. I wouldn't know anything about airports if I was changed in a year, some things you need to stay in the loop. If you have people that are qualified, why shift to give new experience. Cozzens – I was on Planning Commission for a year and did not feel up to speed. Mrs. Barnes was on P&R for 8 years, I don't think Ron being

there for 4 years is a conflict and it is valuable. Marchant – I don't think we should start our own kingdoms, but we need to move better and faster without having to retrain. Mayor – we will put it on the action agenda.

**CONSIDER REAPPOINTMENT OF CITY ATTORNEY, CITY TREASURER, AND CITY RECORDER:** Rick – these appointments are part of the ordinance. Consent.

**EXECUTIVE SESSION – REASONABLY IMMINENT LITIGATION:**

**ADJOURN:** Councilmember Adams moved to adjourn and move into the Executive Session at 7:25 p.m.; second by Councilmember Cozzens; vote unanimous.

  
Renon Savage, CMC  
City Recorder

